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ENVIRONMENTAL IMPACT REQUIREMENTS IN THE STATES

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Environmental Impact Requirements In The States

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ENVIRONMENTAL IMPACT REQUIREMENTS IN THE STATES

By

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Contract No. 68-01-1818
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ABSTRACT

The requirements of Environmental Impact Analysis for each of the various states has been surveyed. In eight states and in Puerto Rico, impact statements are a statutory requirement in four states they are required by Executive Order. In a few cases, the impact statement requirement extends to local as well as state agencies.

Twelve states and the Commonwealth of Puerto Rico have adopted broad requirements for environmental impact statements on state actions analogous to the statements required on federal actions by the National Environmental Policy Act (NEPA). In eight of these states and in Puerto Rico, impact statements are a statutory requirement; in the other four states, they are required by executive order. In a few cases, the impact statement requirement extends to local, as well as state, agencies.

Broad environmental impact statement (EIS) requirements have been under consideration in another 21 states and the District of Columbia. In addition, eight states have implemented EIS procedures for certain types of proposals, including those for such projects as power plants, coastal zone development, wastewater treatment plants, and highway construction. The status of EIS requirements and proposals in each state is described in the Appendix.

State EIS requirements for the most part are modeled on Section 102 (2) (C) of NEPA. However, there are some significant differences in approach among the states. Some states apply the requirement to local, as well as state, agencies. Some states require impact statements for private actions for which a government permit is required, in addition to governmental actions. Also, the states vary considerably in providing for central administration of the EIS process, in their mechanisms for encouraging public participation, and in their working definitions of what constitutes a "major" and "significant" action.

Most of the state provisions appear to limit applicability of the EIS requirement to "agencies of the state," without indicating whether this description is intended to encompass governmental units below the highest level. Only California, Massachusetts, and Washington specifically include local agencies. North Carolina's law permits local governments to require an EIS. However, only one small town has done so. The Governor of Hawaii is proposing legislation that would require impact statements of county, as well as state, agencies. In practice, the other states limit the requirement to state agencies.

Whether EIS requirements apply to private activities is also left unclear in most of the state provisions. California, Montana and Puerto Rico seem to be the only jurisdictions that specifically require an EIS for proposed private actions for which a governmental permit is necessary. North Carolina permits local governments to require an EIS for private projects involving at least two acres; however, as noted, only one town has done this. The Indiana law specifically prohibits agencies from

requiring an impact statement "for the issuance of a license or permit." The Wisconsin Department of Natural Resources is authorized to request an EIS from "an applicant for a permit or statutory approval" under the Department's purview. Hawaii's Governor is supporting legislation to empower state and county agencies to require EISs from the non-governmental sector.

A major problem in implementing state EIS requirements in many states is that little provision has been made to enforce them. Typically, an interagency committee, a state environmental council, the state planning agency, or the natural resources department is given the responsibility of "coordinating" the program and reviewing impact statements, but without any specific authority to insure that all agencies are complying with EIS requirements. The result is that some agencies are slow to establish the necessary procedures and, in the measured words of one state official, "implementation is uneven."

Another problem is encouraging public participation. A major purpose of the EIS process is to expose proposed actions affecting the environment to public scrutiny, criticism and discussion before decisions are made. Most of the states appear to recognize the need for publicizing impact statements. However, presumably because of the cost involved, none publishes a periodical listing of pending statements analogous to the U. S. Council on Environmental Quality's 102 Monitor. The EIS guidelines issued by some states specify that interested citizens' groups are to be informed or provided with copies of draft impact statements. Washington's guidelines state that draft statements "should be described in an information news release to the newspaper(s) in the area that would be affected by implementation of the proposal." Puerto Rico has used display advertising in newspapers for this purpose, but is discontinuing the practice because of the cost.

Perhaps the most difficult problem in administering EIS requirements is defining what constitutes a "major" action "significantly affecting the quality of the human environment." Almost without exception, the state provisions use these words, taken from Section 102 (2) (C) of NEPA. The federal guidelines (36 Federal Register 7724-7729, April 23, 1971) are used as a model by most states. Wisconsin, in fact, includes a reference to the federal guidelines in its statute. While laws and guidelines can specify broad categories and special classes of activity for which an EIS is required (Puerto Rico, for example, makes special reference to mining concessions), in practice it is not possible to anticipate every case in which an impact statement might be desirable and, barring legal action, the decision as to whether a proposal is "major" and "significant"

is left to the discretion of the responsible official.

Two other problems experienced by states in administering EIS programs are their cost and the lack of experts to prepare and review reports. Several states report that the cost of processing impact statements has considerably exceeded the estimates of legislators and the agencies' expectations. Governor Rockefeller gave cost as one of the reasons for vetoing a bill requiring an EIS procedure in New York: "The bill is costly. This legislation would require the state to add an undeterminable number of new positions and other costs... It would add these costs at a time of protracted fiscal difficulty for the state." The paucity of "environmentally trained personnel" is pointed to as a continuing problem by Montana's Environmental Quality Council, for example, and the head of the environmental advisory council of Pennsylvania, which has no EIS requirement, considers the "availability of expertise" to be one of the major problems that must be resolved before his organization would agree to adopting the procedure at the state level.

The following summary of state environmental impact statement requirements is based on information received from cognizant state agencies, environmental research centers, citizens' groups, and published sources as of March 1, 1973:

CALIFORNIA

The California Environmental Quality Act of 1970 (Public Resources Code Sec. 21000 et. seq.) (CEQA) was the first state law to establish an EIS requirement patterned after NEPA (Puerto Rico's law preceded it, however), and it is the broadest in effect. CEQA applies both to state and local agencies, and to private actions for which a governmental permit is necessary. California's act probably has received more attention in the national press than any other state environmental policy act because of the California Supreme Court's ruling in the Friends of Mammoth v. Mono County case. In that case, the court was asked to rule on whether a local agency was required to submit an EIS before it issued a conditional use or building permit. Holding that an impact report is mandatory before a governmental entity can act either for itself or in approving private projects, the court said:

> These reports compel state and local agencies to consider the possible adverse consequences to the environment of the proposed activity and to record such impact in writing. In an era of commercial and industrial expansion in which the environment has been repeatedly violated by those who are oblivious to the ecological well-being of society, the significance of this legislative act cannot be understated.

The court also observed that NEPA was used as a pattern for the California law. Noting that the key provision in both acts, the EIS, was the same, the court observed that federal guidelines would require an impact report under similar circumstances. Thus, it held that state and local agencies must file an EIS before acting on a private project.

Some development interests and local officials had understood the law to apply only to public projects, and this ruling caused some confusion over the status of private projects already in process. The Legislature amended CEQA in December 1972 to impose a 120-day moratorium for private and some public projects subject to the law, and it granted retroactive exemptions to past private and some public projects. However, in general, the law as enacted in 1970 remains in force.

The Office of Planning and Research, part of the Lieutenant Governor's Office, is responsible for preparation and development of objectives, criteria and procedures to implement CEQA, and considers proposals for categorical exemption from EIS requirements. The Secretary of the California Resources Agency is charged with adopting guidelines for the implementation of those requirements, including a "finding that each categorical exemption will not have a significant effect on the environment." Local governments are required to adopt similar guidelines and procedures by April 6, 1973.

CONNECTICUT

A bill for a state environmental policy act, including an EIS requirement, was passed by the General Assembly in 1972, but it was vetoed by Governor Thomas Meskill, who said it presented "administrative problems of the highest order." On October 4, 1972, Governor Meskill issued Executive Order No. 16, which establishes requirements similar to those that would have been mandated by the vetoed legislation, but applies only to state projects, and not to private projects for which a state permit is required. These requirements are similar to those under NEPA. Impact statements are reviewed by the Connecticut Council on Environmental Quality, the Department of Environmental Protection, and the State Planning Council. The State Planning Council is charged with recommending to the Governor whatever action is required on proposed state actions. Guidelines are in draft form.

HAWAII

Hawaii's EIS requirement, currently limited to state agency projects, was established by an executive order signed by Governor John A. Burns on August 23, 1971. The review process is administered by the Office of Environmental Quality Control in the Governor's Office. To date, statements submitted have dealt with such matters as state-sponsored housing projects,

roads and highways and related facilities, boat launch ramps and harbors, school siting and construction, state park development, and dredging. Guidelines are in draft form.

A bill (S. B. 36) has been introduced in the 1973 session of the Legislature to enact into law basically the same procedures set down in the executive order. Another bill is being drafted to require both state and county agencies to evaluate the environmental impact of all projects involving state lands or funds and/or county lands or funds, and empower state and county agencies to require impact statements from the non-governmental sector. Both bills are supported by the Burns administration.

INDIANA

Indiana's environmental policy act (IC 13-1-10), enacted in 1972, applies to state projects. Included in the law is a provision that it shall not be construed "to require an environmental impact statement for the issuance of a license or permit by any agency of the state." Coordination and review are the responsibility of the Governor's Office and the Environmental Management Board. The law has not yet been implemented.

MASSACHUSETTS

Massachusetts enacted an EIS requirement in 1972 (Acts, 1972, Chap. 781); however it will not take effect until July 1, 1973. The law applies to "any work, project, or activity" of "any agency, department, commission, or authority of the commonwealth or any authority of any political subdivision thereof..." The Secretary of Environmental Affairs is given responsibility for review.

MICHIGAN

Under Executive Directive 1971-10, and guidelines issued by the Advisory Council for Environmental Quality pursuant to the directive, EISs are required for "any policy, administrative action, or construction project proposed by" a state agency. "Administrative action" is defined to include issuance of permits. Review is accomplished by the Inter-Departmental Committee on Water and Related Land Resources. The Governor's Office is considering recommending legislation to give the EIS procedure a statutory base.

MONTANA

The Montana Environmental Policy Act (R. Code Mont. Sec. 69-6501 et seq.), enacted in 1971, requires that an EIS be included in "every recommendation or report on proposals for projects, programs, legislation and other major actions of state government..." According to the Environmental Quality Council, which is responsible for coordinating the program and reviewing statements, "private sector enterprises are affected in cases where a proposed action requires a license, permit, lease, or other entitlement from the state. If the action is controversial or significantly affects the human environment, the involved agency must prepare an EIS." Guidelines have been issued by the Council. During the first year of operation of the Montana law (1971-72), six agencies filed 64 statements with the Council and four agencies filed 52 "negative declarations" stating that the environmental effects of a proposed action were insignificant or nonexistent.

NEW MEXICO

New Mexico's Environmental Quality Control Act (N. M. Stats. 12-20-1 et seq.) (NMEQCA), enacted in 1971, requires an EIS to be included in "every recommendation or report on proposals for legislation and other state actions..." The act also created a Council on Environmental Quality, but did not charge that body specifically with responsibility for the EIS program. According to the State Planning Office, the vagueness of the law has created many problems of interpretation. A bill for an "Environmental Policy Act" replacing the 1971 law is being prepared by the administration. It would require the Council to issue guidelines for "preparation, distribution and review" of impact statements. These guidelines would be directed to "state agencies, boards and commissions, and shall insure that the state agency decision making process include an appropriate and careful consideration of the environmental aspects of proposed action."

Several recent court decisions have upheld the 1971 law. In City of Roswell v. N.M. Water Quality Control Commission, the New Mexico Court of Appeals said that the act "makes environmental protection a part of the mandate of every agency or department and makes every such agency subject to its provisions." The court noted that the state law is closely patterned after NEPA, "which has been characterized as the most important legislative act of the decade and also as our 'environmental constitution.' It was surely intended that on the state level NMEQCA would fulfill as important a role and have as profound an impact as the national act."

NORTH CAROLINA

The North Carolina Environmental Policy Act of 1971 (N. C. Gen. Stats., Sec. 113A et seq.) requires impact statements to be included in "every recommendation or report on proposals for legislation and actions involving expenditures of public monies for projects and programs significantly affecting the quality of the environment..." In addition, local governments are authorized (but not required) to "require any special purpose unit of government and private developers of a major development project" to submit an EIS. The term "major development project" includes but is not limited to "shopping centers, subdivisions and other housing developments, and industrial and commercial projects, but shall not include any projects of less than two contiguous acres." By mid-1972, only one local government, the Town of Holden Beach, had adopted such requirements. The North Carolina Council on State Goals and Policy is charged with reviewing impact statements. The Department of Administration has issued guidelines for the program.

The act terminates on September 1, 1973, unless extended or made permanent by the General Assembly. Governor Robert W. Scott believes the law has "proved to be a valuable tool for ensuring that actions of state government reflect the aspirations of our people for an environment of high quality," and he has recommended that it be made permanent, with certain modifications. These include deleting a requirement that an EIS be included with agency proposals for legislation affecting the environment; requiring an EIS to be submitted in the "early planning stages" of a project, rather than after basic decisions have been made; and requiring environmental impact analyses to be included in the annual work programs of state agencies.

PUERTO RICO

Puerto Rico's Public Environmental Policy Act (Law No. 9, June 18, 1970; 12 Laws P. R. Ann. Sec. 1121 et seq.), enacted only six months after NEPA, was the first state or territorial law to require environmental impact statements. It is almost identical to NEPA. The law is administered by the Environmental Quality Board in the Office of the Governor, which has issued detailed guidelines for the program. Under those guidelines, impact statements are required for legislation proposed or reported on by commonwealth agencies and "projects and continuing activities directly undertaken by commonwealth agencies; supported in whole or in part through commonwealth contracts, grants, tax exemptions, subsidies, loans, or other forms of financial assistance [or]involving a commonwealth lease, permit, license, certificate or other entitlement for use." An EIS is also required for "the adoption, amendment or repeal of plans, policies, regulations, guidelines, norms, or procedures;" for decisions relating to mining concessions: and for "any proposed action that is likely to be highly controversial on environ-

mental grounds."

In its 1972 annual report, the Environmental Quality Board notes that "compliance with the EIS requirement is still far from universal" and that "some commonwealth agencies are participating in the process more fully than others...Citizen lawsuits seem likely to play a key role in promoting fuller compliance with statutory EIS requirements." During calendar year 1971, 12 reports were processed by the Board under the Puerto Rico law, 32 under both the U.S. and commonwealth laws, and 8 under NEPA alone.

TEXAS

Procedures for preparation, processing and review of environmental impact statements in Texas are set forth in a "Policy for the Environment" adopted on January 1, 1973 by the Interagency Council on Natural Resources and the Environment, chaired by Governor Preston Smith. This policy "neither requires nor mandates its member agencies, but rather suggests and solicits the cooperation and coordination of its participants to appraise and improve the environmental effects of their activities and to develop new initiatives to abate environmental problems." Impact statements are suggested for "project proposals" of state agencies. The Division of Planning Coordination in the Governor's Office coordinates the program.

WASHINGTON

Washington's State Environmental Policy Act (Chapter 43.21C, RCW), enacted in 1971, is patterned closely after NEPA. Impact statements are required on "proposals for legislation and other major actions..." and of "all branches of government of this state, including state agencies, municipal and public corporations, and counties." The law appears to apply to private actions for which a government permit is required, as well as public actions. The program is coordinated by the Department of Ecology, which has issued guidelines, and the Ecological Commission. The Department reports that implementation of the EIS requirement has been somewhat sporadic, due mainly to a lack of strict regulatory definitions and procedures for determining what constitutes a "major action," when environmental effects are "significant," and when a proposed action should receive full study by the Department.

WISCONSIN

The Wisconsin Environmental Policy Act (Wisc. Stat. Sec. 1.11), enacted in 1971, applies to "agencies of the state" and generally follows the wording of Section 102 of NEPA. However, there are two important differences. Each EIS must "contain details of the beneficial aspects of the proposed project, both short term and long term, and the economic advantages of the

proposal." Also, "Every proposal other than for legislation shall receive a public hearing before a final decision is made."

While the Environmental Policy Act does not appear to require an EIS for a private activity, a companion law (Chapter 273, Laws of 1971; Wisc. Stat. Sec. 23.11 (5) and various other sections) authorizes the Department of Natural Resources to require an EIS from "an applicant for a permit or statutory approval" which the Department is empowered to grant, provided the area that would be affected exceeds 40 acres or the estimated cost of the project exceeds $25,000.

State agencies are required to consult with other appropriate agencies in developing impact statements. Copies of final statements are provided to the Governor and the Department of Natural Resources. Governor Patrick J. Lucey recently created an interagency Environmental Impact Statement Coordinating Committee to assist agencies in implementing and defining the language of the Environmental Policy Act.

APPENDIX

REQUIREMENTS AND PROPOSALS FOR ENVIRONMENTAL IMPACT STATEMENTS IN THE STATES

State	EIS Requirements and/or Proposals	Contact
Alabama	None	Edwin G. Hudspeth Policy Studies Division Alabama Development Office State Office Building Montgomery, AL 36104
Alaska	None. However, Department of Environmental Conservation reviews projects which have "potential for environmental impact" and submits comments to appropriate agencies.	Jerry Reinwand Special Assistant to Commissioner Department of Environmental Conservation Pouch O Juneau, AK 99801
Arizona	No general requirement. Game and Fish Commission on July 2, 1971 adopted a policy requiring Fish and Game Department to prepare EIS on proposed water-oriented development projects. Conservationists are proposing a state policy act similar to California's.	Robert D. Curtis, Chief Wildlife Planning and Development Division Arizona Game and Fish Department 2222 W. Greenway Rd. Phoenix, AZ 85023
Arkansas	None	T. B. York, Director Arkansas Department of Planning Game and Fish Building Little Rock, AR 72201
California	California Environmental Quality Act of 1970 (Public Resources Code Sec. 21000 et seq.). See text.	John S. Tooker, Director Office of Planning and Research 1400 Tenth St. Sacramento, CA 95814

State	EIS Requirements and/or Proposals	Contact
Colorado	No current requirement. Senate Bill 43 (1973), the proposed "Colorado Environmental Policy Act," would require EIS for "major" public and private actions under the jurisdiction of any unit of state or local government.	David F. Morrissey Assistant Director Colorado Legislative Council 46 State Capitol Denver, CO 80203
Connecticut	Executive Order no. 16, October 4, 1972. See text.	George Russell, Director Education Programs Department of Environmental Protection State Office Building Hartford, CT 06115
Delaware	No general requirement, and none proposed. Under the Delaware Coastal Zone Act (7 Delaware Code, Sec. 7001 et seq.), applicants for coastal zone permits must submit EIS for proposed manufacturing projects.	John Sherman, Chief Coastal Zone Management Delaware State Planning Office 530 S. duPont Highway Dover, DE 19901
District of Columbia	No current requirement. A proposal to require EIS for "major construction projects" is under consideration.	Malcolm C. Hope, Director Office of Environmental Planning Department of Environmental Services 415 12th St., N.W. Washington, DC 20004
Florida	No requirement. A bill similar to NEPA was introduced in the 1972 session of the Legislature, but failed to pass.	James K. Lewis, Director of Staff Committee on Environmental Pollution Control Florida House of Representatives 217 Holland Building Tallahassee, FL 32304

State	EIS Requirements and/or Proposals	Contact
Georgia	No general requirement. EIS are required for projects proposed to be undertaken by the Georgia Tollways Authority. The Office of Planning and Research of the Department of Natural Resources currently is investigating the possibility of formulating legislation to require EIS for certain state and local actions.	James T. McIntyre, Jr., Director Office of Planning and Budget 270 Washington St., S.W. Atlanta, GA 30334
Hawaii	Executive Order dated August 23, 1971. See text. The Governor's office is drafting legislation to extend the EIS requirement to certain local government actions.	Richard E. Marland Interim Director Office of Environmental Quality Control Office of the Governor 550 Halekauwila St., Room 301 Honolulu, HI 96813
Idaho	None	Glenn W. Nichols, Director State Planning and Community Affairs Agency State House Boise, ID 83707
Illinois	No requirement. Governor Richard B. Ogilvie proposed legislation similar to NEPA in 1972, but it failed to pass.	Michael Schneiderman, Director Institute for Environmental Quality 309 W. Washington St. Chicago, IL 60606
Indiana	Public Law 98, 1972 (Indiana Code 13-1-10), not yet implemented. See text.	Oral H. Hert, Acting Technical Secretary Environmental Management Board 1330 W. Michigan St. Indianapolis, IN 46206

State	EIS Requirements and/or Proposals	Contact
Iowa	No requirement. There is "considerable discussion" among state officials on this subject and it appears possible that a bill will be introduced in the 1973 session of the Legislature.	Peter R. Hamlin Environmental Coordinator Office for Planning and Programming 523 E. 12th St. Des Moines, IA 50319
Kansas	None	John P. Halligan, Director Planning Division Department of Economic Development State Office Building Topeka, KS 66612
Kentucky	None	Bernard T. Carter Executive Assistant Department of Natural Resources Frankfort, KY 40601
Louisiana	No requirement. Legislation to establish a general EIS requirement was introduced in the 1972 session of the Legislature (House Bill 1150), but failed to pass.	Eddie L. Schwertz, Jr. Assistant Director Office of State Planning P. O. Box 44425 Baton Rouge, LA 70804
Maine	No requirement. There is some interest among conservation groups in introducing a bill in the 1973 session of the Legislature.	William R. Adams, Commissioner Department of Environmental Protection Augusta, ME 04330
Maryland	No requirement. A bill was introduced in the last session of the General Assembly, but failed to pass.	Vladimir Wahbe Secretary of State Planning 301 W. Preston St. Baltimore, MD 21201

State	EIS Requirements and/or Proposals	Contact
Massachusetts	Acts, 1972. - Chap. 781 (Sec. 61 et seq., Chapter 30 of the General Laws). See text.	Harley F. Laing, Legal Counsel Executive Office of Environmental Affairs 18 Tremont St. Boston, MA 02408
Michigan	Executive Directive 1971-10. See text. The Governor's office is considering recommending legislation to give the current EIS procedure a statutory base.	Mark Mason, Executive Secretary Advisory Council for Environmental Quality Office of the Governor Lansing, MI 48913
Minnesota	No requirement. Governor Wendell R. Anderson has proposed a bill for a state environmental policy act that would authorize a proposed Environmental Quality Council to require EIS from any state agency or private developer "on any project or program that is determined... to have a significant environmental effect."	Joseph E. Sizer, Director Environmental Planning State Planning Agency 802 Capitol Square Building St. Paul, MN 55101
Mississippi	None. A proposal to create a coastal zone management program, including EIS requirements, died in the 1973 session of the Legislature.	Edward A. May, Jr., Assistant to the Coordinator Federal-State Programs Office of the Governor 510 Lamar Life Building Jackson, MS 39201
Missouri	No requirement. Two bills similar to NEPA were introduced in the 1972 session of the General Assembly; both died in committee. The state administration has created an Environmental Impact Statement Task Force to evaluate other state policy acts and make recommendations.	R. Brinkworth Chief Planning Specialist Comprehensive Health Planning Department of Community Affairs 505 Missouri Blvd. Jefferson City, MO 65101

State	EIS Requirements and/or Proposals	Contact
Montana	Montana Environmental Policy Act, 1971 (R. Code Mont. Sec. 69-6501 et seq.). See text.	Fletcher E. Newby Executive Director Environmental Quality Council Capitol Station Helena, MT 59601
Nebraska	No general requirement, and none proposed. Department of Roads prepares EIS on state-funded highway projects.	Robert D. Kuzelka Comprehensive Planning Coordinator Office of Planning and Programming Box 94601, State Capitol Lincoln, NB 68509
Nevada	No general requirement. EIS requirement for utility plant siting was established by Chap. 311, Laws of 1971 (NRS Chap. 704).	Dick Serdoz, Air Quality Officer Commission of Environmental Protection 131 Nye Building Carson City, NV 89701
New Hampshire	No requirement. Requiring EIS for major land developments, "whether private or public," is one of the priorities of a legislative coalition formed by the state's major conservation organizations (for information on this proposal, contact: Miriam Jackson, Counsel, SPACE, Box 757, Concord, NH 03301).	Raymond P. Gerbi, Jr. Assistant to the Director of Comprehensive Planning Office of the Governor Concord, NH 03301
New Jersey	No general requirement. Legislation is being prepared in both houses of the Legislature. A special EIS requirement applies to a 35-mile extension of the New Jersey Turnpike. The Department of Environmental Protection has prepared "guidelines for an environmental assessment procedure" and distributed copies to local agencies for their guidance.	Alfred T. Guido Special Assistant to Commissioner Department of Environmental Protection Trenton, NJ 08625

State	EIS Requirements and/or Proposals	Contact
New Jersey (cont.)	In addition, the Department is "suggesting" that such assessments be prepared for major industrial construction prior to issuance of necessary air or water pollution permits. Several local jurisdictions require EIS as part of the zoning and subdivision process.	See above
New Mexico	Environmental Quality Control Act, 1971 (N. M. Stats. 12-20-1 et seq.). See text. A revision, entitled "Environmental Policy Act," is in draft.	David W. King State Planning Officer State Planning Office Santa Fe, NM 87501
New York	No general requirement. An administrative regulation (Item 73, Budget Request Manual) requires environmental review and clearance for state-funded capital construction projects. A bill for a state environmental policy act, which included an EIS requirement, passed both houses of the Legislature in 1972 (Assembly Bill 9245-A), but was vetoed by Governor Rockefeller, who said that it would duplicate existing requirements, confuse responsibility among state agencies, and increase expenditures "at a time of protracted fiscal difficulty."	Terence P. Curran Director of Environmental Analysis Department of Environmental Conservation Albany, NY 12201
North Carolina	North Carolina Environmental Policy Act, 1971 (N. C. Gen. Stats., Sec. 113A et seq.). See text.	Arthur W. Cooper, Assistant Secretary for Resource Management Department of Natural and Economic Resources P. O. Box 27687 Raleigh, NC 27611

State	EIS Requirements and/or Proposals	Contact
North Dakota	No general requirement, and none pending. A special EIS procedure applies to certain waste water treatment facilities.	Norman L. Peterson, Director Division of Water Supply and Pollution Control Department of Health State Capitol Bismarck, ND 58501
Ohio	No requirement at present. Governor John J. Gilligan has requested his executive department to institute an EIS program, and the Ohio EPA is attempting to get a similar program enacted into law.	Alan L. Farkas Deputy Director for Policy Development Ohio Environmental Protection Agency 450 E. Town St. Columbus, OH 43216
Oklahoma	None	Don N. Strain, Director State Grant-in-Aid Clearinghouse Office of Community Affairs and Planning 4901 Lincoln Blvd. Oklahoma City, OK 73105
Oregon	No requirement. Legislation supported by Governor Tom McCall is being drafted for introduction in the 1973 session of the Legislative Assembly. A similar proposal died in the 1971 session.	Kessler R. Cannon, Assistant to the Governor, Natural Resources State Capitol Salem, OR 97310
Pennsylvania	None	Thomas Dolan, Chairman Citizens' Advisory Council Department of Environmental Resources, c/o EPIC 313 S. 16th St. Philadelphia, PA 19102

State	EIS Requirements and/or Proposals	Contact
Puerto Rico	Public Environmental Policy Act (Law No. 9, June 18, 1970; 12 Laws P.R. Ann. Sec. 1121 et seq.). See text.	Santos Rohena Betancourt Acting Executive Director Environmental Quality Board 1550 Ponce de Leon Ave., 4th Fl. Santurce, PR 00910
Rhode Island	No requirement. A bill to establish a general EIS requirement was introduced in the 1972 session of the Rhode Island Legislature (H 5179), but was not reported from committee.	Daniel W. Varin, Chief Statewide Planning Department of Administration 265 Melrose St. Providence, RI 02907
South Carolina	No requirement. A bill to require EIS review for major private and public projects has been introduced in the 1973 session of the Legislature.	Gene Boles, Principal Planner, Environmental Policy Office of Planning Division of Administration Columbia, SC 29211
South Dakota	None	Donald G. Kurvink Associate Director Office of Comprehensive Health Planning Department of Health Office Building No. 2 Pierre, SD 57501
Tennessee	No requirement. Governor Winfield Dunn's administration is considering proposing an act similar to NEPA; no decision has been taken.	Edward L. Thackston, Staff Assistant for Environmental Affairs Office of the Governor Nashville, TN 37219
Texas	"Policy for the Environment" adopted by Interagency Council on Natural Resources and Environment, March	Ed Grisham, Director Division of Planning Coordination

State	EIS Requirements and/or Proposals	Contact
Texas (cont.)	1972. See text.	Box 12428, Capitol Station Austin, TX 78711
Utah	No requirement. A bill to require EIS for state government projects is pending in the Legislature.	Lee Kapaloski Environmental Coordinator Office of the State Planning Coordinator 118 State Capitol Salt Lake City, UT 84114
Vermont	No requirement similar to that under NEPA. However, under Act 250 of 1970 (10 V.S.A. Chapter 151), any project involving change in land use of any significance undergoes scrutiny as to environmental impact.	Schuyler Jackson Assistant Secretary Agency of Environmental Conservation Montpelier, VT 05602
Virginia	No requirement. The 1973 session of the General Assembly is considering a bill to require EIS for state and local projects.	Robert H. Kirby, Director Division of State Planning and Community Affairs 1010 James Madison Building Richmond, VA 23219
Washington	EIS are required under the State Environmental Policy Act, 1971 (Chapter 43.21C, RCW); and the Highway Construction-Environmental Review Law, 1971. While it does not require EIS, the Shoreline Management Act of 1971 is administered to "frequently require" impact statements to accompany the review of shoreline permits sanctioned by local officials.	Dennis L. Lundblad Office of Planning and Program Development Department of Ecology Olympia, WA 98504
West Virginia	None	Ira S. Latimer, Director Department of Natural Resources Charleston, WV 25305

State	EIS Requirements and/or Proposals	Contact
Wisconsin	Wisconsin Environmental Policy Act, 1971 (Wisc. Stat. Sec. 1. 11), Chapter 274, Laws of 1971; and also Chapter 273 of the Laws of 1971, which relates specifically to the Department of Natural Resources. See text.	L. P. Voigt, Secretary Department of Natural Resources Box 450 Madison, WI 53701
Wyoming	None	Vincent J. Horn, Jr. Administrative Assistant to the Governor Capitol Building Cheyenne, WY 82001